

SENATE BILL 3616

By Bunch

AN ACT to amend Tennessee Code Annotated, Section 39-15-209, relative to partial birth abortion.

WHEREAS, A moral, medical and ethical consensus exists that the practice of performing a partial-birth abortion, which is an abortion in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant, is a gruesome and inhumane procedure that is never medically necessary and should be prohibited; and

WHEREAS, Rather than being an abortion procedure that is embraced by the medical community, particularly among physicians who routinely perform other abortion procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and, in some circumstances, their lives. As a result, at least thirty-one (31) states banned the procedure as did the United States Congress; and

WHEREAS, In Gonzales v. Carhart, 550 U.S. ____, 127 S.Ct. 1610 (2007), the United States Supreme Court opined that the partial-birth abortion ban adopted by the United States Congress did not violate the United States Constitution; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-209, is amended by adding the following language as subsection (d) and by redesignating the existing subsections accordingly:

(d)

(1) If the mother has not attained the age of eighteen (18) years at the time of the partial-birth abortion, the maternal grandparents of the fetus may in a

civil action obtain appropriate relief, unless the pregnancy resulted from the maternal grandparent's criminal conduct or the maternal grandparent consented to the abortion.

(2) Relief under subdivision (d)(1) shall include:

(A) Money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

(B) Statutory damages equal to three (3) times the cost of the partial-birth abortion.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.